

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SHERRIE GARCIA,

Charging Party,

-v-

KOOTENAI HERITAGE COUNCIL and
KOOTENAI RIVER DEVELOPMENT, Inc.,

Respondents.

Case #s 0071012130 and
0071012131

ORDER

Sherrie Garcia (Garica) filed a complaint with the Department of Labor and Industry (Department) alleging that Kootenai Heritage Council (KHC) and Kootenai River Development (KRD) discriminated against her in employment on the basis of her age and gender. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Garcia's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Garcia filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 25, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Chap. 28, L. 2007, New Section 6(2)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Chap. 28, L. 2007, New Section 6(3); Mont. Code Ann. § 2-4-702*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district

where the alleged violation occurred, for the appropriate relief. *Chap. 28, L. 2007, New Section 6(3)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Sherrie Garcia's objection is overruled. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this ____ day of August, 2007.

Chair Ryan Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of August, 2007.

SHERRIE GARCIA
PO BOX 970
TROY MT 59935

PAUL RUMELHART
KOOTENAI HERITAGE COUNCIL
111 EAST LINCOLN BOULEVARD
LIBBY MT 59923

AMY GUTH
ATTORNEY AT LAW
408 MAIN AVENUE
LIBBY MT 59923

Montana Human Rights Bureau